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Attorneys for Defendants
State of California by and through California
Highway Patrol and Officer Ramon Silva

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

SANDRA KIRKMAN AND
CARLOS ALANIZ,
INDIVIDUALLY AND AS
SUCCESSORS-IN-INTEREST TO
JOHN ALANIZ, DECEASED,

Plaintiff,

v.

STATE OF CALIFORNIA;
RAMON SILVA; AND DOES 1-10,
INCLUSIVE,

Defendant.

Case No.: 2:23-cv-07532-DMG-SSC

**DECLARATION OF LEE H.
ROISTACHER IN SUPPORT OF
MOTION FOR SUMMARY
JUDGMENT BY DEFENDANTS
STATE OF CALIFORNIA BY AND
THROUGH CALIFORNIA
HIGHWAY PATROL AND
OFFICER RAMON SILVA**

Date: February 28, 2025
Time: 2:00 p.m.
Courtroom: 8C
Judge: Hon. Dolly M. Gee

Complaint Filed: July 28, 2023
Trial Date: April 15, 2025

I, Lee H. Roistacher, hereby declare as follows:

1. I am an attorney licensed to practice law in the State of California. I am also a partner in the law firm of Dean Gazzo Roistacher, LLP, attorneys of record for defendants State of California by and through California Highway Patrol and Officer Ramon Silva in this matter. I have personal knowledge of the following facts, and if called to testify with respect thereto, would do so competently.

2. Attached as exhibit 1 is a true and correct copy of a video recording ("Truck Video") produced pursuant to subpoena by the California Department of

1 Justice, California Police Shooting Investigation Team as DOJ002222.MOV. A
2 storage device with the video recording is being separately transmitted to the
3 Court.

4 3. Attached as exhibit 2 are true and correct copies of excerpts of the
5 deposition of Andrew Acosta.

6 4. Attached as exhibit 3 are true and correct copies of excerpts of the
7 statement of Stanley Burtran given to the California Highway Patrol on May 4,
8 2022 and produced pursuant to subpoena by the California Department of
9 Justice, California Police Shooting Investigation Team as DOJ03934-DOJ04002.

10 5. Attached as exhibit 4 is a true and correct copy of a transcript of 911
11 calls from May 4, 2022 produced pursuant to subpoena by the California
12 Department of Justice, California Police Shooting Investigation Team as
13 DOJ02403-DOJ02424.

14 6. Attached as exhibit 5 is a true and correct copy of 911 call
15 recordings produced pursuant to subpoena by the California Department of
16 Justice, California Police Shooting Investigation Team as DOJ00211.WAV. A
17 storage device with the audio recording is being separately transmitted to the
18 Court.

19 7. Attached as exhibit 6 is a true and correct copy of the Incident Log
20 for May 4, 2022 and produced during discovery by defendants as STATEOFCA
21 000227-000311.

22 8. Attached as exhibit 7 are true and correct copies of excerpts from
23 the deposition of John Van Dragt, which include exhibits 3-5 to the deposition.

24 9. Attached as exhibit 8 are true and correct copies of excerpts from
25 the deposition of Ramon Silva.

26 10. Attached as exhibit 9 are true and correct excerpts from the
27 statement of Ramon Silva (erroneously labeled Enrique Ramos) given to the
28 California Department of Justice and produced pursuant to subpoena by the

1 California Department of Justice, California Police Shooting Investigation Team
2 as DOJ00001-DOJ00068. This document had text highlighted in yellow when
3 obtained and my staff was unable to remove it. Blue highlights were added by
4 this firm.

5 11. Attached as exhibit 10 is a true and correct copy of a transcript of
6 law enforcement dispatch transmissions from May 4, 2022 produced by the
7 California Department of Justice, California Police Shooting Investigation Team
8 as DOJ02425-DOJ02453.

9 12. Attached as exhibit 11 is a true and correct copy of law enforcement
10 dispatch transmission recordings from May 4, 2022 produced pursuant to
11 subpoena by the California Department of Justice, California Police Shooting
12 Investigation Team as DOJ00221.WAV. A storage device with the audio
13 recording is being separately transmitted to the Court.

14 13. Attached as exhibit 12 are true and correct copies of excerpts from
15 the deposition of Cecil Verdugo.

16 14. Attached as exhibit 13 is a true and correct copy of a photograph
17 (truck photo) produced pursuant to subpoena by the California Department of
18 Justice, California Police Shooting Investigation Team as DOJ01786.

19 15. Attached as exhibit 14 is a true and correct copy of the video from
20 Ramon Silva's BWC of the May 4, 2022 incident produced by CHP during
21 discovery as STATEOFCA 007879 with the file name Axon Body 2 Video
22 X81626525 2022-05-01 112520.MP4. A storage device with the video recording
23 is being separately transmitted to the Court.

24 16. Attached as exhibit 15 are true and correct copies of excerpts from
25 the statement of Jonathan Van Dragt given to CHP on May 10, 2022 and
26 produced during discovery by defendants as CHP 00067-00092.

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1 17. Attached as exhibit 16 are true and correct copies of excerpts from
2 the statement of Ramon Silva given to CHP on May 9, 2022 and produced during
3 discovery by defendants as CHP 00040-00066.

4 18. Attached as exhibit 17 is a true and correct copy of the MVARs
5 from Jonathan Van Dragt's patrol vehicle of the May 4, 2022 incident and
6 produced pursuant to subpoena by the California Department of Justice,
7 California Police Shooting Investigation Team as DOJ00223.MP4. A storage
8 device with the video recording is being separately transmitted to the Court.

9 19. Exhibit 18 is a true and correct copy of a video file titled
10 STATEOFCA007879 Axon Body 2 Video X81626525 2022-05-04 112520-
11 241118141634 (Side by Side) created by David Blake, as referenced in
12 paragraph 6.A. of his declaration. A storage device with this recording is being
13 separately transmitted to the Court.

14 20. Exhibit 19 is a true and correct copy of a video file titled SILVA
15 BWC_FULL VERSION w ANNOTATION.mp4. created by David Blake, as
16 referenced in paragraph 6.B. of his declaration. A storage device with the video
17 recording is being separately transmitted to the Court.

18 21. Exhibit 20 is a true and correct copy of a video file titled SILVA
19 BWC_SEQUENCE w ANNOTATION.mp4. created by David Blake, as
20 referenced in paragraph 6.C. of his declaration. A storage device with the video
21 recording is being separately transmitted to the Court.

22 22. Exhibit 21 is a true and correct copy of a PDF document titled
23 SILVA BWC_SEQUENCE_STABILIZED w ZOOM.pdf. created by David
24 Blake, as referenced in paragraph 6.D. of his declaration.

25 23. Exhibit 22 is a true and correct copy of a PDF document titled
26 ALANIZ_SIDE OF ROAD_ZOOM.pdf. created by David Blake, as referenced
27 in paragraph 6.E. of his declaration.

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1 24. Exhibit 23 is a true and correct copy of a PDF document titled
2 SHOOTING STANCE.pdf. created by David Blake, as referenced in paragraph
3 6.F. of his declaration.

4 25. Exhibit 24 is a true and correct copy of a PDF document titled
5 SHOOTING STANCE_CONTRAST ADJ.pdf. created by David Blake, as
6 referenced in paragraph 6.G. of his declaration.

7 26. Attached as exhibit 25 are true and correct copies of excerpts from
8 the statement of Yang Zhou given to the California Department of Justice on
9 May 4, 2022 and produced pursuant to subpoena by the California Department of
10 Justice, California Police Shooting Investigation Team as DOJ00168-DOJ
11 00193.

12 27. Attached as exhibit 26 are true and correct copies of excerpts from
13 the statement of Evencio Horbino given to the California Department of Justice
14 on May 4, 2022 and produced pursuant to subpoena by the California
15 Department of Justice, California Police Shooting Investigation Team as
16 DOJ00168-DOJ 00193.

17 28. Attached as exhibit 27 are true and correct copies of records from
18 Los Angeles County produced pursuant to subpoena by the California
19 Department of Justice, California Police Shooting Investigation Team as
20 DOJ04248-DOJ04278.

21 29. Attached as exhibit 28 are true and correct copies of records from
22 McCormick Ambulance Service produced pursuant to subpoena by the
23 California Department of Justice, California Police Shooting Investigation Team
24 as DOJ04283-DOJ04306.

25 30. Attached as exhibit 29 is a true and correct copy of an annotated
26 scene photograph prepared by defendants' expert with a true and correct copy of
27 a page (DOJ02678) from the MAIT report, with corresponding evidence
28 numbers (e.g., Cone 6 = DOJ6) produced pursuant to subpoena by the California

1 Department of Justice, California Police Shooting Investigation Team identifying
2 items of evidence corresponding to the annotated photograph.

3 31. Attached as exhibit 30 is a true and correct copy of a scene
4 photograph of a black vape device produced pursuant to subpoena by the
5 California Department of Justice, California Police Shooting Investigation Team
6 as DOJ01571.

7 32. Attached as exhibit 31 is a true and correct copy of a scene
8 photograph of an eyeglass case produced pursuant to subpoena by the California
9 Department of Justice, California Police Shooting Investigation Team as
10 DOJ01564.

11 33. Attached as exhibits 32-35 are true and correct copies of evidence
12 photos of the eyeglass case produced pursuant to subpoena by the California
13 Department of Justice, California Police Shooting Investigation Team as,
14 respectively, DOJ01540, DOJ01542, DOJ01543, and DOJ01545.

15 34. Attached as exhibit 36 are true and correct copies of excerpts from
16 the Rule 26 report by plaintiffs' expert Scott DeFoe.

17 I declare under penalty of perjury under the laws of the United States of
18 America that the foregoing is true and correct.

19 Executed on January 24, 2025.

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21 /s/ Lee H. Roistacher
22 Lee H. Roistacher, declarant
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